

REMARKS

Status of Claims

Claims 1-18 are canceled, and new claims 19-31 are presented. No new matter is entered.

Amendments to Specification

A substitute specification (and marked-up copy) are submitted to put the specification in the preferred layout. The Examples section is supported by the original claims. No new matter is entered.

Amendments to the Drawing

A replacement drawing is submitted to provide sharper lines and to call out the claimed features with reference numbers. No new matter is added.

Drawing Objections

The drawing was objected to failing to show every feature recited in the claims. The amendments to the claims and drawings resolve this issue.

Claim Rejections: 35 U.S.C. § 112, first and second paragraphs

Claims 1, 2, 7-15, 17, and 18 were rejected under 35 U.S.C. § 112, first paragraph, as lacking the support of an enabling disclosure, and under 35 U.S.C. § 112, second paragraph, as lacking clarity. The rejected claims are canceled.

Claim Rejections: 35 U.S.C. §§ 102 and 103(a)

Claims 1, 2, 7, 12, and 13 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. No. 5,397,351 to Pavcnik et al.

Claims 8-10 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Pavcnik in view of U.S. Pat. No. 5,554,185 to Block et al.

Claims 14, 15, 17, and 18 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Pavcnik in view of U.S. Pat. No. 7,081,133 to Chinn et al. and further in view of U.S. Pat. No. 5,370,691 to Samson.

Claim 11 was rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Pavcnik in view of U.S. Pat. No. 6,709,604 to Tai et al.

The rejected claims are canceled.

New claim 19 requires an inflatable lining that lines the stent and defines the size of the orifice at the distal end of the stent. Pavcnik has no such inflatable lining. Ring 14 does not line the stent; rather, it sits in a plane parallel to the long axis of the device. Indeed, it is held away from the stent by tubing 16. Also, it is not inflatable, being simply a mesh spanning to ring-type springs (Pavcnik, col. 4, lines 20-22). Consequently, the size of the distal orifice 38 cannot be changed (particularly relevant to claim 31). The other references of record do not cure Pavcnik's deficiencies with respect to the claimed subject matter.

Dated: July 15, 2009

Respectfully submitted,

By SCOTT E. KAMHOLZ
Scott E. Kamholz, Reg. No.: 48,543
FOLEY HOAG LLP
155 Seaport Blvd
Boston, Massachusetts 02210
(617) 832-1176
Attorney for Applicant